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ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE
4000
CHARLOTTE, NC 28280-4000

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OFFICE OF PETITIONS

In re Application of :
Kwitkowski et al. :
Application No. 10/602,586 :
Filed: June 24, 2003 : DECISION ON PETITION
Attorney Docket No.: :
038712/264882 :

This is a decision on the Response to Notice of Omitted Item(s) in a Nonprovisional Application, filed July 23, 2004.

The application was filed on June 24, 2003. However, on July 16, 2004, the Office of Initial Patent Examination mailed a Notice of Omitted Item(s) in a Provisional Application (hereinafter ("Notice")), stating that the application had been accorded a filing date; however, pages 8 and 9 of the specification appeared to have been omitted from the application.

In response, Applicant files the instant petition wherein Applicant avers that pages 8 and 9 of the specification were included among 10 pages of specification originally filed with the application on June 24, 2003, and were received by this Office as evidenced by the return-receipt postcard. In support, Petitioner provides a copy of a return receipt postcard acknowledging receipt of, *inter alia*, 10 pages of specification on June 24, 2003.

A review of the return receipt postcard reveals that Petitioner is correct. The postcard acknowledges receipt of 10 pages of specification on June 24, 2003. Petitioner has also re-submitted pages 8 and 9 of the specification with the instant petition.

Evidence of receipt of any correspondence filed in the Patent and Trademark Office can be obtained by submitting a self-addressed postcard properly itemizing and identifying the paper or papers being filed. Upon receipt of the correspondence, the


Patent and Trademark Office will check the listing on the post card against the papers submitted, making sure that all items listed are present and will then stamp the postcard with an Official date stamp and place the postcard in the outgoing mail. "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all items listed thereon by the PTO." MPEP § 503.

The copy of pages 8 and 9 of the specification, supplied with the instant petition on July 23, 2004, will be used for examination purposes.

A refund of the petition fee has been credited to deposit account 16-0605 as authorized in the instant petition.

The application will be returned to the Office of Initial Patent Examination for further processing as a nonprovisional application with a filing date of June 24, 2003, and an indication that pages 8 and 9 of the specification were included among 10 pages of specification originally filed with the application on June 24, 2003.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.


Derek L. Woods
Petitions Attorney
Office of Petitions